



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

APR 14 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Article No. 7001 0320 0004 7721 1281

Mr. John E. Carter, P.E., R.G.
Manager, Mining Properties
The Doe Run Company
P.O. Box 500
1 Iron County Road
Viburnum, Missouri 65566

Re: CERCLA Off-Site Rule: Affirmative Determination of Acceptability for
the Doe Run Indian Creek Facility, Indian Creek, Missouri

Dear Mr. Carter:

This letter serves to inform you that the U.S. Environmental Protection Agency (EPA) has made an affirmative determination of acceptability for the receipt of off-site waste at the remediation waste management site at the Doe Run Indian Creek facility near Ebo, Missouri (Indian Creek). Pursuant to Title 40 Code of Federal Regulations (40 CFR) Section 300.440(a)(4), EPA has completed an initial assessment of Indian Creek, and finds the remediation waste management site acceptable for the receipt of off-site waste. Such off-site wastes are defined as wastes generated as a result of activities authorized or funded by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

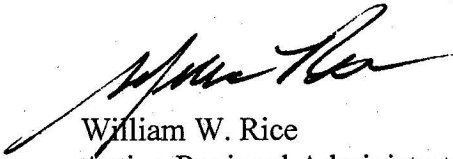
On September 22, 1993, EPA amended the National Oil and Hazardous Substance Pollution Contingency Plan (NCP), 40 CFR Part 300, by adding Section 300.440, now known as the Off-Site Rule. The rule implements and codifies the requirements contained in CERCLA Section 121(d)(3), and incorporates many provisions of the November 13, 1987, OSWER Directive (No. 9834.11), known as the Off-Site Policy. The Off-Site Rule establishes the criteria and procedures for determining if facilities are acceptable for the off-site receipt of CERCLA waste, and outlines the actions affected by the standard. The Off-Site Rule requires that prior to a facility's initial receipt of CERCLA waste, EPA shall determine if there are relevant releases or relevant violations at the facility.

On February 7, 2007, EPA issued a Remedial Action Plan (RAP) to the Doe Run Resources Corporation (Doe Run). This RAP allows for the treatment and storage of hazardous remediation wastes generated as a result of time-critical and non-time-critical EPA Superfund removal and remedial actions at existing and future Washington

County Superfund sites through March 13, 2017. EPA has reviewed Indian Creek's compliance with the RAP and environmental standards, and has consulted with The Missouri Department of Natural Resources (MDNR). The results indicate that Indian Creek is currently in compliance with applicable environmental standards. Therefore, effective upon receipt of this letter, Indian Creek is acceptable to receive CERCLA off-site waste. Should any new information affecting this determination develop, EPA reserves the right to revisit this decision. By issuing this notice, EPA is in no way authorizing Indian Creek to undertake any waste management practice at this facility for which Indian Creek has not been previously authorized by MDNR or EPA.

If you have any questions concerning this matter, please contact Deborah Finger, Regional Off-Site Contact, Region 7, at (913) 551-7164.

Sincerely,

A handwritten signature in dark ink, appearing to read "William W. Rice", is written over the typed name.

William W. Rice
Acting Regional Administrator

cc: Mr. Dennis Hansen
Missouri Department
of Natural Resources